HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.9472 OF 1995

Dated:19.01.2007

Between

T.Ramulu

..... Petitioner

And

The Registrar, Sri Krishnadevaraya University, Kurnool and another.

.....Respondents

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.9472 of 1995

ORDER:

This writ petition is filed seeking a Mandamus to declare resolution No.29-1010 (RA-1) dated 28.03.1995 passed by the third respondent resolving to terminate the services of the petitioner, who is a permanent employee, as arbitrary, illegal and consequently, direct the respondents to continue the services of the petitioner.

It appears that the petitioner was initially appointed as Server in the hostels maintained by the first respondent-University with effect from 28.01.1985. Thereafter, he was appointed as free food worker on adhoc basis with effect from 10.04.1994 on a consolidated salary of Rs.600/- per month. Subsequently, the second respondent has appointed the petitioner temporarily as a Cleaner with effect from 16.12.194 in a regular vacancy that arose in the university and was also put on regular time scale. Thereafter, the impugned resolution dated 28.03.1995 was passed resolving to terminate the services of the petitioner in the regular appointment held by him on the ground that the appointment of the petitioner was made contrary to the provisions of G.O.Ms.No.212 Finance Department dated 22.04.1994. Of course, before the said resolution could be implemented and consequential orders were passed, the petitioner filed the present writ petition and obtained interim direction not to terminate his services.

Now, it is about 12 years since the impugned resolution was passed. The said resolution was not given effect to till now.

A detailed counter is filed on behalf of the

second respondent stating that no regular vacancy is available and as per G.O.Ms.No.212 Finance Department dated 22.04.1994, the appointment should be against a clear vacancy and against a sanctioned post. The appointment of the petitioner was not in terms of the said G.O., and therefore, his services were terminated.

But, there is no answer as to how the petitioner has been continuing in service for 12 long years even after passing the impugned resolution and wherefrom the salary is being paid to him.

Learned counsel for the petitioner asserted that the petitioner was appointed as a Cleaner on 16.12.1994 and was put on regular time scale and that he has been continuing in one post or the other in the respondents-University since 1985, therefore, it must be deemed that there is a regular vacancy available.

Further, the learned counsel for the respondents states that in pursuance to the resolution dated 19.05.1995 passed by the Vice Chancellor of the respondents-University, the services of the petitioner were terminated with effect from 19.05.1995 and a copy of the said

proceedings is placed before the Court. A reading of the said proceedings does not indicate that the petitioner was put on notice before terminating his services.

Under these circumstances, the writ petition is disposed of directing the respondents not to discontinue the services of the petitioner and consider his case for regularization of his services as per law. No order as to costs.

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(C.V.RAMULU, J)

19.01.2007
DR